



City Council Agenda

Council President
Brad Castillo

Councilmembers

**Tom Boyajian
Brian Calhoun
Mike Dages**

**Jerry Duncan
Henry T. Perea, Acting President
Cynthia Sterling**

City Manager
Daniel G. Hobbs

City Clerk
Rebecca E. Klisch, CMC

City Attorney
Hilda Cantú Montoy

The meeting room is accessible to the physically disabled, and the services of a translator can be made available. Requests for additional accommodations for the disabled, signers, assistive listening devices, or translators should be made one week prior to the meeting. Please call City Clerk's Office at 621-7650

The City Council welcomes you to this meeting.

SEPTEMBER 21, 2004

If you would like to speak fill out a speaker request form available from the City Clerk's Office and in the Council Chambers. The agenda is available on (www.ci.fresno.ca.us). The Council meeting can also be heard live at the same web site address.

8:30 A.M. ROLL CALL

Invocation - District 2

Pledge of Allegiance to the Flag

Ceremonial Presentations:

SPCA Pet of the Month – Councilmember Dages

Proclamation of "CONSTITUTION DAY" – Mayor Autry

Proclamation of "CIVIL WAR REVISITED WEEKEND" – Councilmember Duncan

The three lights on the podium next to the microphone will indicate the amount of time remaining for the speaker. The green light will be turned on when the speaker begins. The yellow light will come on with one minute remaining and one tone will sound. The speaker should be completing the testimony by the time the red light comes on and two tones sound, indicating that time has expired.

Following is a general schedule of items for Council consideration and action. The City Council may consider and act on an agenda item in any order it deems appropriate. Actual timed items may be heard later but not before the time set on agenda. Persons interested in an item listed on the agenda are advised to be present throughout the meeting to ensure their presence when the item is called.

Approve minutes of August 31, 2004

Action Taken:

Councilmembers Reports and Comments

Action Taken:

Approve Agenda

Action Taken:

Adopt Consent Calendar

Action Taken:

1. GENERAL CONSENT CALENDAR

(All Consent Calendar items are considered to be routine and will be treated as one agenda item. The Consent Calendar will be enacted by one motion. Public comment on the Consent Calendar is limited to three (3) minutes per speaker. There will be no separate discussion of these items unless requested by a Councilmember, in which event the item will be removed from the Consent Calendar and will be considered on the afternoon calendar or September 28, 2004.

- A. * **RESOLUTION** - 15th amendment to the AAR No. 2004-209 authorizing the loan of \$170,000 from UGM RR Crossing/At Grade Zone A/D to UGM Park Zone 4 to finance the purchase of a park site at the northeast corner of W. Gettysburg and N. Vista Avenues (***Requires 5 affirmative votes***) – Public Works Dept.

Action Taken:

- B. **RESOLUTION** – Claiming funds for uncashed checks dating from 1996 to 2000 – Finance Dept.

Action Taken:

- C. Approve Amendment No. 2 to Agreement with Dale Rutherford, AIA, for consultant services to design and monitor acoustic treatment of an additional 20 homes for the Fresno Yosemite International Airport for Part 150 Noise Compatibility Residential Acoustic Treatment Program locally known as the SMART Program under AIP Grant No. 3-06-0087-36 – Airports Dept

Action Taken:

- D. * **RESOLUTION** - Authorizing the Director of Aviation or other authorized representative to execute all implicated documentation for the following actions including pre-application and application to the Federal Aviation Administration (FAA) for Airport Improvement Project (AIP) grants for Federal Fiscal Years 2005, 2006, and 2007 for both Fresno Yosemite International Airport (FYI) and Fresno Chandler Executive Airport (FCH) as shown in the City's FY 2005 budget capital improvement plan; accepting FAA AIP grant(s) for FY 2005 and FY 2006 projects at both airports, accepting all subsequent amendments thereto offered by the FAA; and authorizing application for and acceptance of grants and all subsequent amendments thereto offered by the California Department of Transportation Aeronautics Division for matching funds on FY 2005 and 2006 FAA-Approved Projects at the Fresno Chandler Executive Airport – Airports Dept.

Action Taken:

- E. Approve renewal of lease agreement between the City and Comprehensive Youth Services (CYS) – PR&CS

Action Taken:

- F. Approve agreement between the City of Fresno and American Legion to remove/relocate Roeding Park War Memorial Boxcar – PR&CS

Action Taken:

1. **GENERAL CONSENT CALENDAR CONTINUED**

- G. * **RESOLUTION** - 16th amendment to AAR No. 2004-209 appropriating \$20,000 from the Fresno County Economic Opportunities Commission (EOC) into the Police Department's Americorps grant fund for the coordination of the 2004-2005 Fresno Safe and Proud Neighborhoods Project **(Requires 5 affirmative votes)** – Police Dept.

Action Taken:

- H. * Approve an agreement to authorize the City of Fresno to enter into a contract with the 21st District Agriculture Association to provide police services at the 2004 Fresno District Fair – Police Dept.

Action Taken:

- I. * Authorize Chief of Police to enter into an agreement with W. Solutions, Inc. A Health Promotion Company, regarding a department fitness program – Police Dept.

Action Taken:

- J. * **RESOLUTION** - Authorizing the Public Works Director or his designee to sign a contribution agreement with the State Department of Transportation – Public Works Dept.

Action Taken:

1. Repealing previously adopted Resolution No. 2004-92

Action Taken:

- K. * Award a contract to Steve Dovali Construction of Fresno, CA for Van Ness and Wilson Avenues for installation of an 8-inch water main between Gettysburg and Ashlan Avenues (Rebid) Dept./Public Works Dept.

Action Taken:

- L. * Award two (2) requirements contracts for used light duty vehicles to Hedrick's Chevrolet of Clovis, CA for bid items 1 through 5 and to Future Ford of Clovis, CA for bid items 6 through 9 - General Services Dept.

Action Taken:

- M. * **RESOLUTION** - 6th amendment to PAR No. 2004-210 adding one (1) Staff Assistant – Planning and Development Dept.

Action Taken:

- N. * **RESOLUTION** - 7th amendment to PAR No. 2004-210 converting three (3) permanent part-time Administrative Clerks and two (2) permanent part-time Code Enforcement Specialists to one (1) full-time Senior Administrative Clerk, one (1) full-time Administrative Clerk I/II, and two (2) full-time Code Enforcement Specialists – Planning and Development Dept.

Action Taken:

- O. * **RESOLUTION** – 14th amendment to AAR No. 2004-209 to re-budget capital projects from various Council District infrastructure funds based on the carry-over balances from FY 2004 **(Requires 5 affirmative votes)** - Budget Division

Action Taken:

- P. * **RESOLUTION** - 22nd amendment to AAR No. 2004-209 appropriating \$124,200 for the purpose of funding right-of-way acquisition required for Tract No. 5206 on Marks Avenue south of Whitesbridge **(Requires 5 affirmative votes)** - Public Works Dept.

Action Taken:

- Q. **RESOLUTION** – Of intention to annex Final Tract No. 5078 to the City of Fresno Community Facilities District No. 2, Annexation No. 78 and to authorize the levy of special taxes – Public Works Dept.

Action Taken:

1. **GENERAL CONSENT CALENDAR CONTINUED**

R. RESOLUTION – Of intention to annex Final Tract No. 5228 to the City of Fresno Community Facilities District No. 2, Annexation No. 80 and to authorize the levy of special taxes – Public Works Dept.

Action Taken:

S. BILL – (For introduction)- Amending Sections 9-1901, 9-1902 and 9-1906 of the Fresno Municipal Code relating to procurement of low emission vehicles by City Departments – Dept. of Transportation

Action Taken:

T. Bills amending a portion of the Fresno Municipal Code relating to Fire and Police and Employee Retirement Systems – Retirement Offices

1. **BILL – (For introduction)** - Repealing Section 2-1733, adding Sections 2-1733 and 2-1733.1 and amending Section 2-1740, to the Fresno Municipal Code, relating to the clarification of optional forms of settlement and the addition of post-retirement optional forms of settlement in the Fire and Police System

Action Taken:

a. **BILL – (For introduction)** - Repealing Section 2-1733A, adding Section 2-1733A and 2-1733.1A and amending Section 2-1740A, to the Fresno Municipal Code, relating to the clarification of optional forms of settlement and the addition of post-retirement optional forms of settlement in the Fire and Police Retirement System

Action Taken:

b. **BILL – (For introduction)** - Repealing Section 2-1841.1 and amending Section 2-1848, to the Fresno Municipal Code, relating to the clarification of optional forms of settlement and the addition of post-retirement optional forms of settlement Employees Retirement System

Action Taken:

2. **BILL - (For introduction)** - Amending Sections 2-1738, 2-1739, 2-1740, of the Fresno Municipal Code relating to the community property status of pre-retirement survivorship benefits and making technical corrections to the marital dissolution provisions in the Fire and Police Retirement System

Action Taken:

a. **BILL - (For introduction)** - Amending Sections 2-1738A, 2-1739A, 2-1740A, of the Fresno Municipal Code relating to the community property status of pre-retirement survivorship benefits and making technical corrections to the marital dissolution provisions in the Fire and Police Retirement System

Action Taken:

b. **BILL - (For introduction)** - Amending Sections 2-1846, 2-1847, 2-1848, of the Fresno Municipal Code relating to the community property status of pre-retirement survivorship benefits and making technical corrections to the marital dissolution provisions in the Employees Retirement System

Action Taken:

U. ITEM REMOVED FROM THE AGENDA

V. * BILL NO. B-82 – (Intro. August 31, 2004) (For adoption) – Establishing criteria for reimbursement of expenses for Mayor and Councilmembers – City Attorney's Office

Action Taken:

2. **GENERAL ADMINISTRATION**

A. Status report on the median island maintenance transition from Parks to Public Works Dept. – PR&CS/Public Works Dept.

B. Discussion regarding urban forest with direction to staff – PR&CS and Public Works Dept.

Action Taken:

1. **BILL – (For introduction)** – Repealing Article 3 of Chapter 11 and adding Article 3 to Chapter 11 of the Fresno Municipal Code and amending Subsection © of Section 12-1206 of the Fresno Municipal Code relating to street trees and parkways

Action Taken:

4. **CITY COUNCIL**

- A. **RESOLUTION** – In support of AB1733 relating to the protection of cell phone consumers from unwanted calls
– Council President Castillo
Action Taken:

SCHEDULED COUNCIL HEARINGS AND MATTERS

9:00 A.M.#1
A

PUBLIC COMMENT PERIOD – No Council action except to place on future agenda. Presentation

A. **SCHEDULED PUBLIC COMMENT** –

- B. **UNSCHEDULED COMMUNICATION** – Members of the public may address the Council regarding items that are not listed on the agenda and within the subject matter jurisdiction of the Council. Each person is limited to a three (3) minute presentation. Anyone wishing to be placed on an agenda for a specified topic should contact the City Clerk Department at least ten (10) days prior to the desired date.

9:00 A.M.#2 Presentation by RJI Tourism Cluster Task Force Chair regarding establishment of a Regional Tourism and Visitor Authority – City Manager's Office

Action Taken:

1. Direct staff to return with a contract in the amount of \$150,000 for Tourism services to be provided by the Regional Tourism and Visitor Authority contingent upon formation of such Authority with funding to come from additional savings within operations of the Fresno Convention Center Facilities

Action Taken:

9:20 A.M. #1 **CLOSED SESSION**

A. **CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION** – Government Code Section 54956.9, Subdivision (a)

1. **Case Name:** City of Fresno v. Jason Andrew Turnbull, et al.
2. **Case Name:** City of Fresno v. Clifford Tutelian, et al. Fresno Superior Court Case No. 03
CE CG 02180 DSB

Action Taken:

B. **CONFERENCE WITH LEGAL COUNSEL – DECIDING WHETHER TO INITIATE LITIGATION** – Government Code Section 54956.9, Subdivision (c)

1. **Case Name:** City of Fresno v. Pinedale County Water District
2. **Case Name:** City of Fresno v. Pinedale Public Utility District

Action Taken:

9:20 A.M.#2 **CLOSED SESSION ANNOUNCEMENTS (IF ANY)**

10:00 A.M. **HEARING** regarding Community Facilities District No. 2, Annexation No. 75, Final Tract Map 5262 – Public Works Dept.

Action Taken:

- a. **RESOLUTION** – Annexing territory to Community Facilities District No. 2, Annexation No. 75, Final Tract Map No. 5262 and authorizing the levy of a special tax
Action Taken:
b. **RESOLUTION** – Calling a special mailed-ballot election
Action Taken:
c. **RESOLUTION** – Declaring election results
Action Taken:
d. * **BILL** – Levying a special tax for the property tax year 2003-2004 and future tax years

Action Taken:

SCHEDULED COUNCIL HEARINGS AND MATTERS CONTINUED

10:05 A.M. **HEARING** regarding Community Facilities District No. 2, Annexation No. 76, Final Tract Map 5136 – Public Works Dept.

Action Taken:

- a. **RESOLUTION** – Annexing territory to Community Facilities District No. 2, Annexation No. 76, Final Tract Map No. 5136 and authorizing the levy of a special tax
Action Taken:
- b. **RESOLUTION** – Calling a special mailed-ballot election
Action Taken:
- c. **RESOLUTION** – Declaring election results
Action Taken:
- d. * **BILL** – Levying a special tax for the property tax year 2003-2004 and future tax years within and relating to Community Facilities District No. 2, Annexation No. 76, Final Tract Map No. 5136

Action Taken:

10:15 A.M. **APPEAL HEARING** by Richard Stewart of directors determination to require replacement of wheel chair ramp on sidewalk at 211 W. Hulbert Court, as provided for under Fresno Municipal Code 11-214 – Public Works Dept.

Action Taken:

10:30 A.M. Historic Preservation – Planning and Development Dept.

1. Consider nominations to the Local Register of Historic Resources
 - a. **RESOLUTION** - Designating Benham Ice Cream Company/Dale Brothers Coffee Company, located at 1420 and 1432 “H” Street, to the Local Register of Historic Resources
Action Taken:
 - b. **RESOLUTION** - Designating the Dale Brothers Coffee Can Sign, located at 1420 “H” Street, to the Local Register of Historic Resources
Action Taken:
 - c. **RESOLUTION** - Designating the Benham Ice Cream Company/Dale Brothers Coffee Company Building, located at 1420 “H” Street, to the Local Register of Historic Resources
Action Taken:
 - d. **RESOLUTION** - Designating the Cearley-Twining Home, located at 625 E. Home Avenue, to the Local Register of Historic Resources
Action Taken:
 - e. **RESOLUTION** - Designating the Nis Johnson Home, located at 601 E. Pine Avenue, to the Local Register of Historic Resources
Action Taken:
 - f. **RESOLUTION** - Designating Sham’s Rio Grande Service Station, located at 205 Fulton Street, to the Local Register of Historic Resources
Action Taken:

10:50 A.M. **HEARING** to consider Rezone Application No. R-04-27, and environmental findings, filed by Bonadelle Homes, Inc., pertaining to approximately 20 acres of land located on the west side of N. Locan Avenue between E. Dakota and E. Shields Avenues (***Property located in District 4***)

Action Taken:

- a. Consider and adopt Environmental Assessment No. R-04-27, Finding of Conformity to the 2025 Fresno General Plan Master Environmental Impact Report (MEIR No. 10130)
Action Taken:
- b. **BILL** – Amending the Official Zone Map to rezone the property from AE-20 (*Exclusive Twenty Acre Agriculture - County*) to the R-1/UGM (*Single Family Residential/Urban Growth Management*) zone district

Action Taken:

SCHEDULED COUNCIL HEARINGS AND MATTERS CONTINUED

11:00 A.M. HEARING - To consider the use of \$311,224 awarded to the City by the U.S. Department of Justice to undertake the Local Law Enforcement Block Grant (LLEBG) Program,

Action Taken:

- a. **RESOLUTION** – Authorizing and acceptance of the Local Law Enforcement Block Grant 2004 award of \$311,224 , the match requirement of \$34,580 and the execution of any related documents
Action Taken:
- b. * **RESOLUTION** – 20th amendment to the AAR No.2004-209 to transfer \$34,600 to provide match funds for the Fresno Police Dept.'s 2004 Local Law Enforcement Block Grant (LLEBG) **(Requires 5 affirmative votes)**
Action Taken:
- c. * **RESOLUTION** – 21st amendment to the AAR No.2004-209 appropriating \$482,300 to fund expenses associated with the Fresno Police Dept.'s 2002 and 2003 Local Law Enforcement Block Grants (LLEBG) **(Requires 5 affirmative votes)**
Action Taken:
- d. Approve the reallocation of funds in contingency for the Local Law Enforcement Block Grant.
Action Taken:

2:15 P.M.#1 CLOSED SESSION OF THE REDEVELOPMENT AGENCY

- A. **PUBLIC EMPLOYEE APPOINTMENT/EMPLOYMENT** – Government Code Section 54957
Title: Consideration of appointment of Interim Executive Director
Action Taken:

2:15 P.M. #2 JOINT MEETING WITH THE REDEVELOPMENT AGENCY

Approve Agency minutes of August 31, 2004

Action Taken:

AGENCY GENERAL ADMINISTRATION _

- A. Consideration of addendum to the Second Cooperation Agreement between the City of Fresno and the Redevelopment Agency of the City of Fresno **(Council and Agency action)**
Action Taken:
- B. Consideration and direction on report by the Agency Board Committee regarding process for recruitment of Executive Director **(Agency action)**
Action Taken:
- C. Accept City Manager's Office recommendations to retain Matrix Consulting Group/Rosenow Spavacek to conduct a management study of the Redevelopment Agency. Authorize Agency Committee to negotiate a contract with Matrix Consulting Group/Rosenow Spavacek and to return to the Agency Board on September 28, 2004, for contract approval and contract funding **(Agency action)**
Action Taken:

ADJOURN AGENCY

- 2:30 P.M. HEARING** to consider appeal of Wesley and Vanhdao Flowers (appellants) regarding the Supplemental Order of the Hearing Officer to allow the administrative abatement of a dangerous building at 2475 S. Lily Avenue
Action Taken:

SCHEDULED COUNCIL HEARINGS AND MATTERS CONTINUED

3:00 P.M. HEARING to consider Site Plan Review Application No. S-04-149, and environmental findings, filed by Donabedian-Hannah, for property located at 7693 North Pleasant Avenue as related to proposed single family residential building setback from the southern edge of the San Joaquin River Bluff ***(Property located in District 2)***

Action Taken:

- a. Consider and adopt a finding of Categorical Exemption for Environmental Assessment No. S-04-149

Action Taken:

- b. **RESOLUTION** - Approving a reduced building setback from the San Joaquin River Bluff edge proposed by Site Plan Review Application No. S-04-149

Action Taken:

3:15 P.M. WORKSHOP presented by the City of Fresno's Americans with Disabilities Act (ADA) Council – Public Works Dept.

4:30 P.M. * RESOLUTION – Establishing legislative policy for the “No Neighborhood Left Behind” Plan - Council

Action Taken

5:00 P.M. Discussion and direction regarding the privatization of commercial solid waste collection services - Council President Castillo

- a. Direct staff to cease any action relating to the privatization of commercial solid waste collection services until the end of the current contract with SMG, at which time a study can be done indicating the costs/benefits associated with the privatization of the Convention Center

Action Taken

- b. Direct staff to investigate the possibility of assessing franchise fees to private solid waste haulers conducting business in the City of Fresno (as described on page 7 of Exhibit A) and return in 45 days with recommendations

Action Taken

SCHEDULED COUNCIL HEARINGS AND MATTERS

Sept. 28 - 10:00 A.M. HEARING re: CFD No. 2, Annexation No. 77, Final Tract Map No. 5370

Sept. 28 - 2:30 P.M. WORKSHOP re: Cal Trans/City partnership and intro. of ordinance – Public Works Dept. and Planning and Development

Sept. 28 - 3:15 P.M. Appearance by McCaffrey Group and residents to discuss Belleviera (CFD No. 2)

Sept. 28 - 3:30 P.M. JOINT HEARING WITH RDA to consider Approval of the Disposition and Development Agreement between the RDA and "master developer" Noyan/Frazier Properties LLC. , and Sale of the Mid State Bowl property at the southwest corner of Clinton and Weber Avenues.

Sept. 28 - 4:00 P.M. – 9:00 P.M. Trimester Plan Amendments – Planning and Development Dept.

Oct. 5 - 12:00 P.M. Council tour of the Veterans Museum and Lunch immediately following

Oct. 5 - 3:00 P.M. HEARING to consider Rezone Application No. R-04-20, and environmental findings, filed by Logan and Associates on behalf of Spalding Wathen

Oct.	5 -	4:30 P.M.	CONTINUED HEARING to consider Fresno City Planning Commission decision regarding Conditional Use Permit Application No. C-02-226, and environmental findings, filed by Wilkins Enterprises
Oct.	12 -	NO MEETING – COLUMBUS DAY	
Oct	19 -	9:00 A.M.	Presentation of P.R.I.D.E. Team Certificates <i>(Reception immediately following – 2nd floor foyer)</i>
Oct.	19 -	10:00 A.M.	HEARING re: Rezone Appl. No. 04-13, filed by Jeffrey Wall, property located at the east side of Brawley between Clinton and Princeton Avenues
Oct.	19 -	10:05 A.M.	HEARING re: Rezone Appl. No. 04-49, filed by Hung Nguyen, property located at the northwest corner of Olive and Mariposa
Oct.	26 -	10:00 A.M.	HEARING re: approving vacation of the northwest four feet of Amador Street betw. “H” St. and Broadway Street
Oct.	26 -	10:05 A.M.	HEARING re: vacation of a portion of James St. betw. Herndon and Elgin Avenues and Farrington St. betw. Freeway 99 and James St.
Oct.	26 -	10:10 A.M.	HEARING re: CFD No. 2, Annexation No. 78, Final Tract Map No. 5078
Oct.	26 -	10:15 A.M.	HEARING re: CFD No. 2, Annexation No. 80, Final Tract Map No. 5228
Nov.	2 -	NO MEETING – ELECTION DAY (TENTATIVE)	
Nov.	9 -	NO MEETING – VETERAN’S DAY	
Nov.	16 -	10:00 A.M.	Presentation of Employee Service Awards <i>(Reception immediately following – 2nd floor foyer)</i>